IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No.14433 of 2005

Between:

S.Kithayya.

.....APPELLANT

AND

The Revenue Divisional Officer and

Land Acquisition Officer,

Y.R.P.Unit No.3, Peddapuram,

East Godavari District.

.....RESPONDENTS

ORDER: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

The case of the petitioner is that his land admeasuring

Ac.7-60 cents in Sy.No.218/3 of Ramanayyapeta village erstwhile Prathipadu Taluk was acquired and compensation was paid at a particular rate. Thereafter, one of the landowners protested with regard to the quantum of the compensation, and a reference was made under Section 18 of the Land Acquisition Act (for short 'the Act') to the Civil Court. Civil Court enhanced the compensation by award and decree dt.04-01-1999. Thereafter, it is the case of the petitioner that he moved an application in terms of Section 28-A of the Act that the compensation be enhanced in his case also in view of the award and judgment of the Civil Court. Petitioner issued legal notice to the respondent-Land Acquisition Officer through his Advocate on 01-04-2005 complaining that action was not taken on his application dated 19-01-1999.

Respondent in his counter has disputed having received any application on behalf of the petitioner on 19-1-1999. There is no proof on record to show that an application was filed by the petitioner before the respondent-Land Acquisition Officer on 19-01-1999. Even otherwise, if an application was made by the petitioner on 19-01-1999, we do not believe that he would have waited upto 01-04-2005 to give a legal notice to the respondent-Land Acquisition Officer to decide his application. Since no application has been made before the respondent-Land Acquisition Officer in terms of Section 28-A, therefore, there was no duty caste upon the respondent-Land Acquisition Officer to pass any orders for enhancement of the compensation.

Writ Petition is, accordingly, dismissed. No costs.

(Bilal Nazki, A.C.J)

23rd November, 2005

(K.C.Bhanu, J)

LUR